

### REMARKS

In view of the above amendments, and the following remarks, favorable reconsideration and allowance of the above application are respectfully sought.

The claims now presented for consideration are claims 1 and 4-16, the independent claims being claims 1, 12, and 15. Claims 12-16 are amended herein to improve their form and to more clearly recite features of the present invention. Applicant submits that no new matter is added by these amendments.

Initially, Applicant acknowledges the Examiner's indication that claims 1 and 4-11 are allowed and that claims 13 and 17 would be allowed if rewritten in independent form. Because Applicant believes that claims 12 and 15 are allowable, claims 13 and 17 have not been rewritten in independent form.

In the outstanding Office Action, claims 12 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 7-209933 to Fukishima et al. and claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukishima et al. In light of the foregoing amendments and the following remarks, Applicant respectfully traverses these rejections.

According to the present invention, each of independent claims 12 and 15 relates to an image forming apparatus including, *inter alia*, transferring means and fixing means. The transferring means transfers the image formed on the image bearing member to a recording material at a transferring nip portion, and the fixing means fixes by heat the image transferred on the recording material to the recording material at a fixing nip portion. A sheet of the recording material comes into the fixing nip portion before transferring of

the image at the transferring nip portion completes. Applicant submits that such features are not taught or suggested by Fukushima et al.

According to Applicant's understanding, Fukushima et al. discloses that the velocities of a fixing unit 10, photosensitive drum 1, and transfer drum 5a are reduced after a four-color image is transferred from the photosensitive drum 1 onto a sheet wound on the transfer drum 51 in thick paper mode and the thick paper is separated from the transfer drum 5a to the fixing unit 10. That is, Applicant understands Fukushima et al. to teach that a sheet of the recording material comes into the fixing nip portion **after** the transferring of an image at the transferring nip portion is completed. Therefore, Fukushima et al. does not teach or suggest at least that a sheet of the recording material comes into the fixing nip portion **before** transferring of the image at the transferring nip portion completes, as recited in each of claims 12 and 15.

In the event the Examiner believes that a translation of that portion of Fukushima et al. related to the above-discussed features would be helpful, Applicant would be pleased to provide one.

Moreover, Applicant submits that claim 15 is also distinguishable over Fukushima et al. because that reference fails to discuss magnification. No reference has been disclosed that can properly be combined with Fukushima et al. to render obvious the invention as set forth in claim 15 and Applicant submits that such missing features cannot be supplied merely by reference to allegedly known art without citation of a specific reference.

In light of the foregoing, Applicant submits that the present invention, as recited in independent claims 12 and 15, is patentably defined over Fukushima et al.

Allowance of claims 12 and 15 and withdrawal of the outstanding rejections under 35 U.S.C. §§ 102 and 103 are requested.

Claims 13, 14, 16, and 17 depend from one of claims 12 and 15, and thus also are believed allowable. Individual and independent consideration of these dependent claims are requested.

Applicant submits that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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